

June 23, 1996
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1. Sam Roberts, the editor of News of the Week in Review in the NYT, told me that I would have a Q and A interview in the section today, June 23, and would be called by a journalist on Monday for that purpose. Johnny Apple, head of the Washington office, called on Monday and did the interview on Tuesday, stating both times that it would appear as a Q and A.

When I asked him what else what would be appearing on the subject, he said he would also be writing an article. He would be speaking to other people for his article (none is quoted in his article; a quote from my interview is his only direct quote) and might use some of what I told him in his article, but there would be no other Q and A's in the section; mine would be the only one, alongside his article.

At the beginning of the interview, which was taped--he promised to send me a copy of the tape, "as soon as this was over"--I asked how much time we had. He said, "15 or 20 minutes." But he made no attempt to cut me off as it went over this, and continued to ask questions as the discussion approached an hour. (It was obvious that the printed interview would have to be cut considerably: which would not have been hard).

There is no Q and A with me in the paper this morning. Only an article by Apple, which ends with a good, paragraph-long quote from me. No one had called me to say that they had changed their minds.

If either Apple or Roberts had done that, I would not have had even an impulse to protest or argue. To be sure, Roberts had begun by offering me space for a statement in the section: presumably an op-ed. He didn't suggest that I "submit" a piece; he offered it to me. The Q and A--not just an ordinary interview--was his suggestion when I said I wasn't sure I could write a piece in time--especially since I was lying in bed in pain with sciatica. If I had written a piece, would he have felt free to omit that from the paper without even telling me? Or asking me to rewrite it?

Likewise, if they had really wanted me to be represented in the paper at last, at 25 years, as Roberts said, why not give me a chance to come through with a written piece after all, if the Q and A had some problem? It's not as though they felt the substance of the Q and A was irrelevant; much of it is in Apple's piece, almost in my words: which is, in fact, OK with me.

If Roberts and Apple had said from the beginning that they wanted to interview me for an article on the PP, that would have been fine, and (with an exception noted below) I would be happy

with the result: a pretty good article (despite some misstatements, and omission of major points as I see it) with a good quote from me.

I certainly wouldn't be moved, as I am at this moment, to call the Times and express my feeling that I have, once again, been lied to by Times reporters and editors and treated with considerable disrespect.

Well, as I might say to Roberts and Apple: "I don't really suppose you were lying when you said that my interview would appear as a Q and A." (That's a very unambiguous offer, and an unusual one, by the way; no major newspaper, that I can recall, has ever proposed it to me before, though a number of magazines have. I have a feeling that the Times News of the Week does occasionally print Q and A's; and this 25th anniversary seemed a plausible time to do it, considering that the offer to run a piece by me came at the last moment, with at most a few days to write it).

"Were you lying? If not, why not tell me you had changed your mind? And why did you, by the way?"

One might think, reading Apple's piece, that he had not been told by Roberts that this would be a Q and A with me, since so much of what we discussed turns up in his own article. To some extent, it actually gives certain statements (as, the link from the Papers to Watergate via the plumbers) more authority, as coming from the Times rather than from me. Likewise, an entire paragraph referring to Iran-contra and the failure of anyone involved to blow the whistle despite its being "almost certainly illegal," and the following sentence referring to Iraqgate, the sale of arms to Iraq under Bush. Fine. Only Apple did say that my Q and A would run alongside his article; so there was no misunderstanding by him, or me.

2. Once again, after 25 years, and for the third time in ten days, the Times was unable to bring itself to say: "Daniel Ellsberg was the source for the Pentagon Papers, for the New York Times, the Washington Post and 17 other newspapers." Or anything comparable: "Daniel Ellsberg gave, leaked, revealed, provided the Papers to..."

Tony Lewis wrote a column on the historic significance of the Times' decision to publish and its effects, without mentioning me. Max Frankel, likewise, in the magazine last week. When friends asked me how I felt about that, I said quite truthfully, it was no surprise and it meant nothing at all to me. I said, "I didn't do this to get my name in the newspapers."

But Apple's description of me as "the onetime hawk turned dove who played a key role in making the papers public" follows three unprecedented conversations I had with Times' editors this month in

which I urged that if they were to write anything on the 25th anniversary they renounce the practice of the first 15 years or so of describing me as "the man who says that he gave the Papers to the newspapers," or "who describes himself" or "who has identified himself" or others that leave ambiguous whether the Times agrees with my own sworn statements to that effect. They have never said, instead, "Ellsberg, who was the source...who revealed...who gave..." or "who identified himself, correctly," or "who acknowledged, on his own initiative, that he was the source" (thus indicating that they had not exposed me against my will, but agreeing with my own description, to which I testified under oath and which increased my chances of prosecution and conviction).

I said this to Gene Roberts, the Managing Editor; Sam Roberts; and to Abe Rosenthal, the managing editor over that earlier period who had presumably been responsible for this distancing treatment, this failure to acknowledge me as the source or to confirm my own description.

The Times not only, after these conversations (Gene Roberts remarked, when I asked him if he really was aware that I was the source, said, "I never doubted it") continues to "protect its source" (from whom?), it protects the sources of the other newspapers as well. Frankel put it: "When the Times was silenced, other newspapers found the Papers." Yeah, right: they found them exactly the same way the Times did; they got them from me, either directly as in the case of the Times and the Post, or through an intermediary, after my decision to give them to that particular paper.

Apple's version: after the Government sought and won a court order restraining further publication, "Other newspapers then began publishing. They, too, were restrained, until finally..."

Actually, the Supreme Court decision could have gone differently if the other newspapers had not begun publishing. But that didn't come about, as Frankel says, because once a story is out there is no stopping it: it is in too many hands. Not one person other than me took the initiative, or risked criminal prosecution or contempt, by providing a page of the Papers to other newspapers. Except for me, the lesson would be that the Government could stop a story, despite the existence of copies in many hands by that point. I had to decide to go against the advice of a good lawyer, Marty Garbus, who begged me for Patricia's sake (his friend), not to provoke the Government further into indicting me by defying the injunction against the Times. I gave them to one paper at a time, (except for release late in the game to the Knight-Ridder chain) after its predecessor was enjoined.

Other errors, missed points and stories, misinterpretations

1. "the United States Supreme Court ruled, by a vote of 9 to 0, that publication could resume." Rather amazing error: the vote was 6 to 3!
2. "Opponents of the Vietnam war, including Daniel Ellsberg, the onetime hawk turned dove who played a key role in making the papers public [what was that key role?], hoped that doing so might persuade President Richard M. Nixon to change his policy on Vietnam. It did not."

a) The statement on hopes, so far as it concerns me, is false.

b) I did not say this or anything like it to Apple (it is one of two opinions attributed to me in the article; the direct quote is correct, for one out of two). If he had asked me my hopes at the time, I would have said the opposite of this so far as Nixon was concerned, by 1971.

Whereas I did have this hope at the time when I first expected the Papers to be released by the Senate in 1969, and to a much lesser degree in 1970, I had no such hope at all in 1971. My hope was that it might cause Congress to take command of the policy through the budget and cut off funding for combat operations, on the basis of the public pressure. This crucial, and ultimately effective, channel of influence on policy (to which publication did contribute) is never mentioned in Apple's article headed "Lessons from the Pentagon Papers." The potential and actual role of Congress and its potential and actual effectiveness should be among the major lessons of the Papers and the whole episode, and I stressed it in my Q and A interview (not published).

However, the statement that the publication "did not" persuade Nixon to "change his policy on Vietnam" is also false. I didn't expect it to, and I would have said until recent years that it did not, but I have since realized that I was mistaken. The change in public opinion catalyzed by the publication did cause Nixon both to confirm and to speed up his schedule of departure of ground troops and then to make a crucial, essential change in his strategy and his negotiating proposals: he decided to offer to remove all US ground troops--rather than keeping a residual force of 30-40,000--without demanding any reciprocal removal of North Vietnamese regulars from South Vietnam.

Thus, his negotiating posture shifted critically from demanding "mutual withdrawal" if all US troops were to depart to offering "unilateral withdrawal" of all troops for the return of US POWS. The only conditions he put on this unilateral withdrawal (which had previously been attached to mutual withdrawal, never acceptable to Hanoi) were that the DRV would accept "provisionally" the rule of Thieu in Saigon and the major cities (supposedly while

procedures for open-field elections were being followed) and observe a ceasefire while US troops were withdrawn (supposedly longer, while procedures for a political solution were being pursued: actually, Nixon advised Thieu to ignore these political provisions, thus certainly did not expect the ceasefire, or restraints on US airpower, to be prolonged).

If he had offered this deal earlier, US ground combat, at least, might have been ended at the beginning of 1969, or any time between then and 1973. (Some would say, "surely," or "almost surely," or "very probably." My proposition is much weaker, but more reliable; it was never tested by Nixon, till 1972-73, aftr the publication of the Papers had put great political pressure on Nixon to end US ground combat, at least, before Congress returned at the start of his second term: lest Congress cut off all funding, including for air operations).

The result of this shift, and its acceptance by the DRV, was not, in Nixon's mind, surely to end the war, because he expected to continue US combat operations in the air as soon as US troops were out. But the revelations about the plumbers (i.e., his actions against me, primarily, and his obstructions of justice in trying to keep them secret) were then crucial in getting Congress to vote to cut off funding for air operations as well, in the context of Nixon's having chosen, partly on the influence of the publication of the Papers, to remove all US ground troops. I have come to question whether, even under the pressure of Watergate, Congress would have been willing to do this if US airpower could have still been described as protecting US ground troops in Vietnam. So Nixon's shift in policy on unilateral withdrawal, probably partly resulting from the evolution of public opinion after publication of the Papers, was more significant, indeed crucial, than I myself realized at the time. Apple has it wrong.

3. Apple's second paragraph (he leads with the Times' action, "twenty-five years ago this month" of publishing the Pentagon Papers, "tracing the ultimately doomed involvement of the United States in a grinding war...") is:

"They demonstrated, among other things, that the Johnson Administration had systematically lied, not only to the public but also to Congress, about a subject of transcendent national interest and significance."

No "other things" are mentioned as to what else of substance the Papers "demonstrated." Thus, the Times fails to enlarge, after 25 years, on its initial "spin" on the Papers: a focus almost entirely on the issue of lying, not at all, for example, on the question of aggression, the legality of US policy and actions lied about, or what the Papers suggested about the purposes of the lying, the interests and ethics and power structure reflected, the role of the Presidents versus their military and civilian advisors.

In contrast, Apple does comment (creditably: reflecting his interview with me, incidentally, without citation, which is OK) that the Iran-contra affair was "almost certainly illegal." No comparable comment has ever been printed by the New York Times, so far as I am aware, about any aspect of US actions or policy in Vietnam. (The single exception to this is a book review by Neal Sheehan in which he concluded that there was substantial evidence of war crimes in Vietnam (I don't think he addressed the possible illegality of the policy or the intervention as a whole); I mentioned in my Q and A that this was one reason I gave the papers to Neal, in answer to Apple's question as to why I chose the Times, and Neal (a question that suggests he knows more than he printed about what my "key role" was in making the papers public).

4. A naive, unfounded, misleading, basically absurd "lesson" drawn once again about Vietnam, Watergate, Iran-contra, Iraqgate, and Whitewater, reflecting a misconception about the Administration's predicament in all these cases and others to be expected:

"Though the Pentagon Papers dealt with a foreign war, they taught a lesson applicable to domestic politics as well: It is almost always better, once trouble breaks, to get out all the damaging evidence at once, rather than stonewalling and allowing it to trickle into the public domain, thus creating the impression of an every-mounting crisis. It is a lesson mostly unlearned. Why?..."

Why "unlearned"? Because it is a totally stupid, invalid, "lesson," that would lead to political catastrophe. The assertion "It is almost always better" suggests a body of experience; is there a single instance of this disastrous approach being followed, in cases anything like these or even much less serious ones?

What we have here is a familiar hypothesis as to what might have worked better, made invariably during the crisis by people who had at the time no idea of what there was to conceal, what the lies hid and why it had to be lied about. Such people, giving all benefit of the doubt to the Administration and especially to the President, presume that the origins of the "flap" were, initially, minor venalities, human errors, minor misstatements, poor judgment of subordinates, which could be admitted fully by the President and corrected or punished (by firing those responsible) with only minor and temporary harm to his own image.

These friendly critics of the President suppose that the main contribution of the President to this "trouble" is a tendency to temporize, conceal, even prevaricate, in order to protect his subordinates and his Administration from even minor criticism, thus compounding the "trouble" and casting a shadow over his own judgment and honesty. The lesson is that he should be, as Nixon put it in a rare, and his only, self-criticism, "a good butcher," ruthlessly removing the parts of his Administration that have

caused him avoidable trouble.

These uniformed friends don't want to recognize--why this is still true of Apple after 25 years of such episodes is another question--is that truly "letting it all hang out" from the beginning, getting out "all the damaging evidence at once," would be for the President to plunge the butcher's knife into his own chest.

What we have actually learned in most of these cases--and can reasonably infer about the others, including future ones--is that the basic decisions that caused "trouble" when exposures began had been made by the President himself, including the decisions to conceal and lie about them from the outset.

And the reason for the lying and secrecy was that the actions themselves constituted, or could reasonably be seen as, domestic or international crimes, or violations of international or domestic laws or undertakings, in some cases amounting to terrorism or direct support of it; or unconstitutional behavior; or policy choices that were carried out covertly precisely because public or Congressional knowledge and debate would reveal them to be so dangerous or costly or unpromising as to arouse widespread and justified opposition.

The reasons for keeping "all the damaging evidence" secret as long as possible are not, in most of the known cases, frivolous, or easily and prudently to be overridden. They point directly to the President, and to his involvement in major illegalities or highly damning misjudgements or, at the least, intensely controversial choices which he had no right (though strong incentive) to conceal.

Presidents don't follow this dumb advice (dumb if it's intended to help him get through the "trouble" quickly and get on with governing) because they can't do it and expect to retain much influence or authority or, in many cases, even their office. If they didn't want to provoke a Constitutional crisis, they would have to accompany fully frank admissions of their failures to uphold their oath of office with an offer to resign.

In line with his failure to observe earlier that the Pentagon Papers, just like Iran-contra, revealed putatively illegal behavior (or more to the point politically--alas--policies so foreseeably unpopular that they had to be lied about to be implemented at all) Apple misses all this in his answers to the question of why Presidents don't put out all the damaging evidence at once (or ever).

"Why? Partly the natural impulse for self-protection, partly the deep-seated governmental belief that the public should not be allowed to watch the sloppy business of policy-making because it

would not understand and partly the conviction that the policymakers know best and mean well."

That's all he gives; that's it. Let's look a little closer. "Self-protection"? Ok--but from what? From attributions of "sloppy" policy-making, from misplaced trust in subordinates, from minor "human" error?

That's all Apple suggests: no mention of self-protection from criminal prosecution by domestic courts or international tribunals. Admittedly the latter is virtually inconceivable, practically speaking, for American officials. Yet "full" Pentagon-Papers-like revelations on US covert support for death-squads in Guatemala, El Salvador, Haiti, and Indonesia (1965-66, later East Timor) would lead to widespread and valid comparison of the vulnerability of a succession of US Presidents to indictments before a Hague Tribunal like those faced by Karadzic (or the yet-unindicted Milosevic).

The prospect of that kind of debate makes US glasnost in these areas pretty unlikely, whatever attention a Jennifer Harbury or Sister Dianna Ortiz may get momentarily with their hunger strikes and demands for openness.

On a much lesser scale, must we still continue to assume that White House recalcitrance on Whitewater, the rejection of Republican David Gergen's advice to avoid merely incremental revelations of the damaging evidence, has nothing to do with a canny sense by the Clintons on how best to go on living in the White House instead of a jail?

5. The final quote by me is accurate and substantial, so far as it goes. But as presented it falls short of being "the" lesson of the Pentagon Papers, as he quotes me as calling it.

"No matter how smart people are in the White House and the Pentagon, no matter how well intentioned, they can get into crazy and illegal activities. And once they're in, and these schemes begin to fail, you cannot count on them to have the moral courage to admit a mistake, to cut their losses, to throw in the towel, to get out."

Two good points. But in the Q and A, I went on to make a third; this is, admittedly, reflected earlier in Apple's article, not attributed to me, so the omission here is unimportant. That is that none of the leaders, and no one at all below the leaders, can be counted on (or at all expected) to tell the truth, to blow the whistle, to expose the lies or illegalities or dangers, to warn the public, at any point. As Apple puts it earlier (quoting my interview without attribution--I mention this only to say that he and the editors had a choice of putting it in the Q and A or summarizing it by Apple, it wasn't that they found my comments

insubstantial):

"Governments, meantime, have continued to conceal and, on occasion, to prevaricate. The Iran-contra affair, almost certainly illegal, was conceived and carried out by the Reagan administration in total secrecy, and no one involved blew the whistle--any more than anyone had done so during the months and years as the nation stumbled ever deeper into the Vietnam quagmire." (He goes on to compare Iraqqate, the Persian Gulf censorship and the Balkans).

As I say, I really am as happy to have this point made by Apple as in a Q and A, though their reasons for the choice are not obvious. But what is important is the omission of any of the points I made later in the Q and A as to how to compensate, in a democracy, for these inclinations of officials: "lessons" of what to do about this.

These had to do with the importance, and the need to resuscitate, the role of Congress in foreign policy and the decision to go to war;

the crucial role of and need to protect the First Amendment (more actively than the Times did in my own case);

sanctions against officials who lie to Congress (not one has ever gone to jail for this) and efforts to change the official ethic and societal norms, e.g. by explicit provisions in the secrecy oaths;

newspaper interest in the encouragement and protection of sources (like myself: still unacknowledged by the Times!) and in the issues raised by my prosecution (and Morrison's). (As in the "9 to 0" error, is the Times still underestimating how close they came to being prosecuted themselves, or or having other sources prosecuted?)

the need at last for a thoroughgoing challenge to and overhaul of the secrecy system and the toleration of Executive secrecy by Congress and the public.

By writing all this, I have pretty much worked off my initial head of steam that I had, once again, been lied to, manipulated, treated totally disrespectfully by the New York Times (the Managing Editor, Editor of the News of the Week in Review and the chief of the Washington Office, along with the former Managing Editor, former head of the Washington office, and chief columnist: Gene Roberts, Sam Roberts, Abe Rosenthal, Max Frankel, Johnny Apple, Tony Lewis). I feel like Charlie Brown, being invited to kick the football by Lucy for the first time--but after a long history of tricky snubs.

Do they ever really wonder why the press is so hated, i.e., whether there might be some valid basis for it in their behavior? Do they realize that, like Presidents and rich uncles, people like me who have expectations of further dealings with them, rarely feel it worthwhile to voice their resentments at being ill-treated?

The bottom line: I would have no cause for resentment, and I really believe that I would feel none, if Roberts and Apple had not stated that I was giving an interview to be presented in Q and A form, or if, having done so, they had shown me the respect and courtesy (after such a long history of showing neither: see Sheehan and Lukas, above all, and Rosenthal and the trial!) of telling me they had changed their mind.

Likewise, it's pretty raw that they can't free themselves from their petty and absurd refusal to acknowledge me as their source aftrer I had taken the step, unprecedented over the last 25 years, of asking them to do so if they printed a retrospective.

Finally, as I pointed out in the unpublished Q and A, they continue to refuse even to mention, let alone to follow up and investigate, what I believed then and believe now to have been Nixon's actual Vietnam policy, misconstrued then and now by the New York Times and most media and scholars and the public. This is not only of major historical interest in itself, but failure to pursue it (or even mention it, e.g. in quoting me: see Salisbury's account of this in his quasi-official history of the Papers) means that they omit and misconstrue my own motives in releasing the Papers, the potential and actual effects of doing so, and much more important, Nixon's actual motives in creating the plumbers and trying to "neutralize" me, which led directly to Watergate, his resignation, a major influence on Congressional action and thus to the ending of the war.

Apple does mention the link between the Pentagon Papers and the plumbers, hence Watergate and Nixon's resignation (as Stone does in Nixon). But like Stone, he omits and tacitly misconstrues why Nixon was led to set up the plumbers, why he had strong reason to shut me up, which reflected what his secret Vietnam policy was and his fears as to what I might reveal about it. I stated this clearly and succinctly to Apple; it has never appeared in the Times, which thereby misses the further point of the actual effect

that Watergate had on the ending of the war (likewise missed by Stone and everyone else except--as I told Apple--Sy Hersh). With the omission of my Q and A--it's as if I just can't this into print. I guess I'll have to write a book.

It will be interesting to listen to the whole tape--if Apple keeps his promise to send it to me!--and see what else is left out of the article. E.g.: my revelation, for the first time to the p r e s s -

||||| that I was the source of a series of revelations in early 1968, which is why I gave the papers later to Sheehan (and which puts in a new perspective my decision to reveal them at all! I had mixed feelings about having released this to Apple, under his questioning, instead of saving it for my memoirs, and I'm relieved, on the whole, that he didn't print it. But it's interesting that this wouldn't be regarded as a newsworthy revelation.)

I must say that I also thought my last statement to Apple--just after the quote that he did use--was very quotable (including the Ellsberg Principle: I thought I might finally get that into print. Oh well.) (Was there too much about McNamara? That could all have been cut out. Note that the origin of Apple's article was McNamara's suggestion to Apple that there should be a retrospective, even though, as Apple said he told him, "We're not big on anniversaries."

The Times--like everyone else--has still failed to ask McNamara what he thought of my action (that is just as well for me, unless I were given an opportunity to reply) and more generally, press him critically on his justifications for not doing what I did when I did it, or a while later, rather than waiting 24 years.

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exchange

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